HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI

AND

HON'BLE SRI JUSTICE G. BHAVANI PRASAD

Writ Petition Nos. 17325, 18482 and 18487 of 2005

-

-

Writ Petition No.17325 of 2005

Between:

S. Kalicharan and another … Petitioners

And

Government of Andhra Pradesh, rep. by its

Principal Secretary, Revenue (Endowments) Department,

Secretariat Buildings, Hyderabad

and others.

… Respondents

-

Counsel for the petitioners: Sri E. Madan Mohan Rao

Counsel for respondents: Government Pleader for Endowments

-

Writ Petition No.18482 of 2005

Between:

S. Kalicharan and another … Petitioners

And

Government of Andhra Pradesh, rep. by its

Principal Secretary, Revenue (Endowments) Department,

Secretariat Buildings, Hyderabad

and others.

… Respondents

Counsel for the petitioners: Sri E. Madan Mohan Rao

Counsel for respondents: Government Pleader for Endowments

Writ Petition No.18487 of 2005

Between:

B. Chandra Reddy and others … Petitioners

And

Government of Andhra Pradesh, rep. by its

Principal Secretary, Revenue (Endowments) Department,

Secretariat Buildings, Hyderabad

and others.

… Respondents

Counsel for the petitioners: Sri E. Madan Mohan Rao

Counsel for respondents: Government Pleader for Endowments

-

-

:: ORDER::

-

-

-

February , 2006

-

-

-

-

-

-

-

-

-

Per G.S. Singhvi, CJ

In these petitions, the petitioners have prayed for striking down Section 22-A of the Registration Act, 1908, as inserted by the Andhra Pradesh Act No.4 of 1999 (for short 'the Act') and for quashing G.O.Ms.No.810, Revenue (Endowments II/1) Department dated 14-10-2004 vide which the Government declared the registration of documents of immovable properties specified therein as opposed to public policy.

Learned counsel for the petitioners submits that Section 22-A of the Act has already been declared unconstitutional and, therefore, similar declaration may be granted in favour of his client and the prohibition against the registration of document may be quashed.

Learned Government Pleader fairly states that Section 22-A of the Act has been struck down in Writ Petition No.11877 of 2004, but submitted that the Court

may not pass order which may enable the petitioners to get the documents registered because the matter is sub judice before the Supreme Court.

We have considered the submissions of the learned counsel. By an order dated 7.12.2005 passed in Writ Petition No.14099 of 2003 and connected matters, this Court declared Section 22-A of the Act as unconstitutional and struck down the same. The Court also struck down Rule 2 (b) of A.P. Registration (Prohibition of Registration of certain documents opposed to public policy) Rules, 1999.

In view of the above, these petitions are allowed in terms of order dated 7.12.2005 passed in W.P.No.14099 of 2003 and other connected matters. The detailed reasons recorded in that order shall be read as part of this order.

As a sequel to the above, G.O.Ms.No.810 dated 14-10-2004 is also quashed. However, it is made clear that registration of the documents of the petitioners would remain subject to the final adjudication by the Supreme Court. This would necessarily mean that if the appeal filed by the State is allowed by the Supreme Court, the registration of the documents of the petitioners shall stand automatically nullified.

G.S. SINGHVI, CJ

February , 2006

G. BHAVANI PRASAD, J

Svs/vtv